

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-080349
	:	TRIAL NO. 08CRB-9246
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
	:	
RODNEY DORSEY,	:	
	:	
Defendant-Appellant.		

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant, Rodney Dorsey, appeals the judgment of the Hamilton County Municipal Court convicting him of failing to promptly inform a police officer that he was carrying a firearm under a license to possess a concealed weapon. He was convicted after a bench trial.

One night Cincinnati Police Officer Nathan Asbury approached Dorsey because of loud music coming from his parked car. Asbury asked Dorsey to remove his hands from his pockets, and Dorsey complied. Although Asbury attempted to explain to Dorsey why he had approached him, Dorsey continued to loudly ask why he had been stopped and told Asbury that he “didn’t want no misunderstanding.”

After the discussion had gone on for some time, Asbury asked Dorsey to show him proof of identification. Dorsey gave Asbury his identification, and he also showed the

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

officer a license to carry a concealed weapon. Asbury asked Dorsey if he was carrying a firearm, and Dorsey told him that he was. According to Asbury, he had been talking with Dorsey for four to five minutes before Dorsey had told him about the license and the gun.

Dorsey's trial testimony essentially confirmed what Asbury had said, but Dorsey testified that he had been talking with Asbury for no more than three minutes before informing him of the license and the gun.

In a single assignment of error, Dorsey now argues that the conviction was based on insufficient evidence and was against the manifest weight of the evidence.

In the review of the sufficiency of the evidence to support a conviction, the relevant inquiry for the appellate court "is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt."² To reverse a conviction on the manifest weight of the evidence, a reviewing court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice.³

Dorsey was convicted under R.C. 2923.12(B)(1), which provides that "[n]o person * * * shall[,] [i]f the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun."

The statute does not define the term "promptly." But in this case, Dorsey did not notify Asbury of the gun and the license until after Asbury had asked him to

² *State v. Waddy* (1992), 63 Ohio St.3d 424, 430, 588 N.E.2d 819.

³ *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

remove his hands from his pockets and had repeatedly explained the reason for his investigation. Only in response to Asbury's request for identification did Dorsey inform the officer of the license and, upon further questioning, of the presence of the handgun.

Although Dorsey testified that the encounter had not lasted as long as Asbury's testimony had indicated, we cannot say that the trial court lost its way in finding him guilty. Dorsey himself acknowledged the need to prevent any misunderstanding during the investigation, and his delay in giving Asbury the required information only increased the risk of harm that a misunderstanding might have caused. Dorsey's conviction was supported by sufficient evidence and was not against the manifest weight of the evidence. We overrule the assignment of error and affirm the judgment of the trial court.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

HILDEBRANDT, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on November 26, 2008
per order of the Court _____.
Presiding Judge